

February 4, 2013

**OPPOSE PRESIDENT OBAMA'S
UNCONSTITUTIONAL NLRB APPOINTMENTS.
BECOME AN ORIGINAL CO-SPONSOR.**

Dear Colleague,

On January 25, the United States Court of Appeals for the D.C. Circuit ruled that the Administration's appointment of certain National Labor Relations Board (NLRB) nominees was an unconstitutional abuse of power by the Obama Administration. The court rightly held that under the Constitution, the Senate determines when the Senate is in Recess, not the President.

Therefore, **the individuals serving on the NLRB who were unconstitutionally selected using this recess appointment should not be collecting pay** and the Board should not be performing any of its functions while they remain on the Board.

Incredibly, the NLRB has made clear that it intends to carry on with business as usual in spite of the court's ruling. It is time for Congress to reassert its constitutional authority over this process.

The Advice and Consent Restoration Act, which is the companion bill to [S. 188, introduced by Senator Roy Blunt](#), is a simple bill that will have two important effects:

- 1) Prevent individuals unconstitutionally appointed to the NLRB from collecting their \$155,500 salaries.
- 2) Ensure that as long as unconstitutionally appointed individuals remain in their positions, the NLRB is prohibited from performing its authorized functions.

This bill will both restore the NLRB's legal standing and send an important message to the Executive Branch that it cannot bypass the Senate's advice and consent when naming appointees. If you have any questions or would like to join as an original co-sponsor, please contact Isaac Fong at Isaac.Fong@mail.house.gov or at ext. 6-1219.

Sincerely,

Mike Kelly
Member of Congress